

CLOSED

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01261-CRC**

AMERICAN OVERSIGHT v. U.S. ENVIRONMENTAL
PROTECTION AGENCY

Assigned to: Judge Christopher R. Cooper

Cause: 05:552 Freedom of Information Act

Date Filed: 06/27/2017

Date Terminated: 07/10/2019

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

AMERICAN OVERSIGHT

represented by **Elizabeth France**
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 897-2465
Fax: (202) 871-6523
Email: beth.france@americanoversight.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel Alexander McGrath
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 897-4213
Email: daniel.mcgrath@americanoversight.org
ATTORNEY TO BE NOTICED

Sara Kaiser Creighton
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5246
Fax: (202) 871-6523
Email: sara.creighton@americanoversight.org
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. ENVIRONMENTAL
PROTECTION AGENCY**

represented by **Jeremy S. Simon**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2528
Fax: (202) 252-2599
Email: jeremy.simon@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/27/2017	<u>1</u>	COMPLAINT against U.S. ENVIRONMENTAL PROTECTION AGENCY (Filing fee \$ 400 receipt number 0090-5008822) filed by AMERICAN OVERSIGHT.

		(Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons)(Creighton, Sara) (Entered: 06/27/2017)
06/27/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Creighton, Sara) (Entered: 06/27/2017)
06/27/2017		Case Assigned to Judge Christopher R. Cooper. (sth) (Entered: 06/27/2017)
06/27/2017	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(sth) (Entered: 06/27/2017)
07/20/2017	<u>4</u>	NOTICE of Appearance by Elizabeth France on behalf of AMERICAN OVERSIGHT (France, Elizabeth) (Entered: 07/20/2017)
07/20/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/3/2017. (Answer due for ALL FEDERAL DEFENDANTS by 8/2/2017.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. ENVIRONMENTAL PROTECTION AGENCY served on 7/3/2017, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/3/2017. (Attachments: # <u>1</u> Exhibit A)(France, Elizabeth) (Entered: 07/20/2017)
08/02/2017	<u>6</u>	ANSWER to Complaint by U.S. ENVIRONMENTAL PROTECTION AGENCY.(Simon, Jeremy) (Entered: 08/02/2017)
08/17/2017		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties promptly confer and file a joint proposed schedule for briefing or disclosure by August 31, 2017. Signed by Judge Christopher R. Cooper on 8/17/2017. (lccrc1) (Entered: 08/17/2017)
08/17/2017		Set/Reset Deadlines: Brief due by 8/31/2017. (nbn) (Entered: 08/17/2017)
08/31/2017	<u>7</u>	Joint STATUS REPORT <i>AND PROPOSED SCHEDULE</i> by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 08/31/2017)
09/06/2017		MINUTE ORDER: In light of the parties' <u>7</u> Joint Status Report, it is hereby ORDERED that the parties shall confer and submit a joint status report and proposed schedule for briefing or disclosure by October 2, 2017. Signed by Judge Christopher R. Cooper on 9/6/2017. (lccrc1) (Entered: 09/06/2017)
09/06/2017		Set/Reset Deadlines: Joint Proposed Briefing Schedule and Status Report due by 10/2/2017 (lsj) (Entered: 09/06/2017)
10/02/2017	<u>8</u>	Joint STATUS REPORT <i>AND PROPOSED SCHEDULE</i> by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 10/02/2017)
10/27/2017	<u>9</u>	NOTICE of Appearance by Sara Kaiser Creighton on behalf of AMERICAN OVERSIGHT (Creighton, Sara) (Entered: 10/27/2017)
12/14/2017	<u>10</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Simon, Jeremy) (Entered: 12/14/2017)
12/18/2017		MINUTE ORDER: In light of the parties' <u>10</u> Joint Status Report, it is ORDERED that the parties shall file another joint status report by February 23, 2018. Signed by Judge Christopher R. Cooper on 12/18/2017. (lccrc1) (Entered: 12/18/2017)
12/18/2017		Set/Reset Deadlines: Joint Status Report due by 2/23/2018 (lsj) (Entered: 12/18/2017)
02/23/2018	<u>11</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Simon, Jeremy) (Entered: 02/23/2018)
04/04/2018	<u>12</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 04/04/2018)
04/23/2018	<u>13</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 04/23/2018)

04/24/2018		MINUTE ORDER: In light of the <u>13</u> Joint Status Report, the parties are ORDERED to file another status report and proposed briefing schedule by May 7, 2018. Signed by Judge Christopher R. Cooper on 4/24/2018. (lccrc1) (Entered: 04/24/2018)
04/24/2018		Set/Reset Deadlines: Joint Status Report and Proposed Briefing Schedule due by 5/7/2018 (lsj) (Entered: 04/24/2018)
05/07/2018	<u>14</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 05/07/2018)
05/08/2018		MINUTE ORDER: The Court will adopt the briefing schedule proposed in the parties' <u>14</u> joint status report. Defendant's motion for summary judgment and <u>Vaughn</u> index is due by June 28, 2018. Plaintiff's combined cross-motion and opposition is due by July 27, 2018; Defendant's combined opposition and reply is due by August 23, 2018; Plaintiff's reply is due by September 7, 2018. Signed by Judge Christopher R. Cooper on 5/8/2018. (lccrc1) (Entered: 05/08/2018)
05/09/2018		Set/Reset Deadlines: Summary Judgment motions and Vaughn Index due by 6/28/2018. Response to Motion for Summary Judgment due by 7/27/2018. Reply to Motion for Summary Judgment due by 8/23/2018. Replies due by 9/7/2018. (lsj) (Entered: 05/09/2018)
06/25/2018	<u>15</u>	Consent MOTION for Extension of Time to <i>File Motion for Summary Judgment and for Adjustment of Related Deadlines</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 06/25/2018)
07/05/2018	<u>16</u>	NOTICE of Appearance by Daniel Alexander McGrath on behalf of AMERICAN OVERSIGHT (McGrath, Daniel) (Main Document fillable 16 replaced on 7/12/2018) (ztd). Modified on 7/12/2018 (ztd). (Entered: 07/05/2018)
07/05/2018	<u>17</u>	NOTICE OF EXPANDED SCOPE OF SUMMARY JUDGMENT BRIEFING by AMERICAN OVERSIGHT (France, Elizabeth) (Entered: 07/05/2018)
07/18/2018	<u>18</u>	Consent MOTION to Vacate <i>Briefing Schedule and for an Order Directing the Parties to File a Status Report to Govern Further Proceedings</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy). Added MOTION for Order on 7/25/2018 (jf). (Entered: 07/18/2018)
07/31/2018	<u>19</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 07/31/2018)
08/01/2018		MINUTE ORDER: In light of the <u>19</u> joint status report, it is ORDERED that the parties shall file another status report by August 27, 2018 proposing a schedule for supplemental production and, if necessary, for briefing. The briefing schedule instated by Minute Order dated May 8, 2018 is VACATED. Signed by Judge Christopher R. Cooper on 8/1/2018. (lccrc1) (Entered: 08/01/2018)
08/01/2018		Set/Reset Deadlines: Status Report due by 8/27/2018 (lsj) (Entered: 08/01/2018)
08/27/2018	<u>20</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 08/27/2018)
08/28/2018		MINUTE ORDER: In light of the <u>20</u> joint status report, it is ORDERED that the parties shall file another status report by November 8, 2018. Signed by Judge Christopher R. Cooper on 08/28/2018. (lccrc1) (Entered: 08/28/2018)
08/29/2018		Set/Reset Deadlines: Status Report due by 11/8/2018 (lsj) (Entered: 08/29/2018)
11/08/2018	<u>21</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 11/08/2018)
11/09/2018		MINUTE ORDER: In light of the parties' <u>21</u> Joint Status Report, it is ORDERED that the parties shall file another status report by January 9, 2019. Signed by Judge Christopher R. Cooper on 11/9/2018. (lccrc1) (Entered: 11/09/2018)
11/09/2018		Set/Reset Deadlines: Status Report due by 1/9/2019 (lsj) (Entered: 11/09/2018)
01/07/2019	<u>22</u>	MOTION to Stay <i>in Light of Lapse in Appropriations</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Simon, Jeremy) (Entered: 01/07/2019)

01/07/2019		MINUTE ORDER granting <u>22</u> Defendant's Motion to Stay. Defendant shall notify the Court as soon as necessary funding is renewed. Signed by Judge Christopher R. Cooper on 1/7/2019. (lccrc1) (Entered: 01/07/2019)
01/28/2019	<u>23</u>	NOTICE of Restored Government Funding by U.S. ENVIRONMENTAL PROTECTION AGENCY (Simon, Jeremy) (Entered: 01/28/2019)
01/28/2019		MINUTE ORDER: The stay entered on January 7, 2019 is hereby lifted. The parties's joint status report was due on January 9, 2019. Given the duration of the lapse in appropriations, the parties' joint status report is now due February 13, 2019. Signed by Judge Christopher R. Cooper on 1/28/2019. (lccrc1) (Entered: 01/28/2019)
02/13/2019	<u>24</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 02/13/2019)
02/14/2019		MINUTE ORDER: In light of the parties' <u>24</u> Joint Status Report, it is ORDERED that the parties shall file another status report by March 27, 2019. Signed by Judge Christopher R. Cooper on 2/14/2019. (lccrc1) (Entered: 02/14/2019)
02/14/2019		Set/Reset Deadlines: Status Report due by 3/27/2019 (lsj) (Entered: 02/14/2019)
03/27/2019	<u>25</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 03/27/2019)
03/27/2019		MINUTE ORDER: In light of the parties' <u>25</u> Joint Status Report, it is ORDERED that the parties shall file another status report by April 25, 2019. Signed by Judge Christopher R. Cooper on 3/27/2019. (lccrc1) (Entered: 03/27/2019)
03/28/2019		Set/Reset Deadlines: Status Report due by 4/25/2019 (lsj) (Entered: 03/28/2019)
04/25/2019	<u>26</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 04/25/2019)
04/26/2019		MINUTE ORDER: In light of the parties' <u>26</u> Joint Status Report, the parties are directed to file a further Joint Status Report on June 12, 2019. Signed by Judge Christopher R. Cooper on 4/26/2019. (lccrc1) (Entered: 04/26/2019)
04/29/2019		Set/Reset Deadlines: Joint Status Report due by 6/12/2019 (lsj) (Entered: 04/29/2019)
06/12/2019	<u>27</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Simon, Jeremy) (Entered: 06/12/2019)
06/12/2019		MINUTE ORDER: In light of the parties' <u>27</u> Joint Status Report, the parties are directed to file a further Joint Status Report on July 10, 2019. If the agreement cannot be reached regarding costs and attorneys' fees by the next status report, any motion for fees will be due thirty (30) days thereafter on August 9, 2019. Signed by Judge Christopher R. Cooper on 6/12/2019. (lccrc1) (Entered: 06/12/2019)
06/13/2019		Set/Reset Deadlines: Joint Status Report due by 7/10/2019. Motions due by 8/9/2019. (lsj) (Entered: 06/13/2019)
07/09/2019	<u>28</u>	STIPULATION of Dismissal by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 07/09/2019)